

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, June 28, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission** (NONE)
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing**
 - a. Class IV Zoning Permit Z-IV-2016-15, Use Permit U-2016-12 and Special Permit SP-2016-5 to allow construction of a new visitor center, zip lining facilities and associated improvements relating to the commercial tour operations conducted on land located .25 miles east of the Kipu Road and Aakukui Road intersection in Kipu, further identified as Tax Map Key 3-1-002:001 (Portion), and affecting a portion of a larger parcel approx. 2,842 acres in size = *Outfitters Kauai, Ltd.* [Director's Report received 6/14/16.]
 - 1. Supplemental No. 1 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2016-14 and Use Permit U-2016-11 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Ahele Street within the Wailua Homesteads Subdivision (First Series) in Wailua, approx. 450 ft. makai of the Opaekaa Road/Pulana Street intersection and further identified as 6430 Ahele Street, Tax Map Key 4-2-006:058, and containing a total area of 10,085 sq. ft. = ***Yasutake Family Revocable Trust 2004***. [Director's Report received 6/14/16.]
- c. Special Permit SP-2016-4 to operate a transient vacation rental in Kilauea, located on Kauapea Road, approx. 1,300 ft. from the Kauapea Road and Kilauea Road intersection, identified as Tax Map Key 5-2-004:064, and affecting a portion of 7.418 acres = ***Lee Unkrich and Laura Century Family Trust***.
 - 1. Planning Director's Report, Recommended Findings of Fact, Conclusions of Law and Decision and Order.

3. Continued Public Hearing (NONE)

4. New Public Hearing

- a. Adoption of administrative rules interpreting provision of Chapter 8, Kauai County Code, as amended, pertaining to the enforcement of structures relating to Chapter 8, Article 27 (Shoreline Setback Determination) = ***County of Kauai, Planning Department***.
 - 1. Director's Report pertaining to this matter.

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 7/12/16.

- a. Special Management Area Use Permit SMA(U)-2016-5, Class IV Zoning Permit Z-IV-2016-16, Use Permit U-2016-13 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the mauka side of Weke Road in Hanalei Town, situated at its intersection with Pilikoa Street and further identified as 5111 Weke Road, Tax Map Key 5-5-010:032, and containing a total area of 7,568 sq. ft. = ***Faith S. Ben-Dor***.
 - 1. Director's Report pertaining to this matter.
- b. Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14 and Special Permit SP-2016-6 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the northern side of Koolau Road in Molokaa, further identified as 6761 Koolau Road, Tax Map Key 4-9-011:038, and containing a total area of 1.650 acres = ***Steven & Eddi Henry***.
 - 1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. Hearing Officer's Report and Recommendation of Contested Case Hearing (including proposed Decision and Order, Findings of Facts and Conclusions of Law); Certificate of Service relating to CC-2015-6, TVRNCU #1356, Tax Map Key (4) 1-3-001:083 = ***Ian Cronshaw and Anna Cronshaw*** and CC-2015-7, TVRNCU #1357, Tax Map Key (4) 1-3-001:094 = ***Ian Cronshaw and Anna Cronshaw***. [Deferred 5/24/16.]
2. Hearing Officer's Report and Recommendation of Contested Case Hearing (including proposed Decision and Order, Findings of Facts and Conclusions of Law); Certificate of Service relating to CC-2014-5, TVRNCU #14263-P, Tax Map Key (4) 5-2-004:098 = ***Rene O. Campos***. [Deferred 5/24/16.]
 - a. Appellant Rene O. Campos' Memorandum to Kauai Planning Commission Regarding Hearing Officer's Report; Attachment "A"; Certificate of Service (6/6/16) from Jonathan J. Chun, Esq.
 - b. Kauai County Planning Department Response to Appellant Rene O. Campos Memorandum and Arguments to Kauai Planning Commission Regarding the Hearing Officer's Report; Certificate of Service (6/9/16) from Sherry P. Broder, Esq.
3. Special Management Area Use Permit SMA(U)-2014-2 to accommodate commercial tour boat loading and unloading activities at Black Pot Beach Park in Hanalei (pursuant to the "Peddlers and Concessionaires" ordinance), situated at the northern terminus of Weke Road, further identified as Tax Map Keys 5-5-001: 004 & 011, and containing a total land area of 6.19 acres = ***County of Kaua'i, Department of Parks and Recreation***. [Deferred 3/8/16.]
 - a. Final Argument.
 - b. Proposed Findings of Fact, Conclusions of Law and Decision and Order submitted by Intervenors Limu Coalition and Barbara Robeson (5/27/15).
 - c. Proposed Findings of Fact, Conclusions of Law and Decision and Order submitted by Leonard A. Rapozo, Jr., Director County of Kauai, Department of Parks and Recreation (5/27/15).
 - d. Exceptions to Limu Coalition and Barbara Robeson's Proposed Findings of Fact, Conclusions of Law and Decision and Order submitted by Leonard A. Rapozo, Jr., Director County of Kauai, Department of Parks and Recreation (6/3/15).

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

1. Planning Director Michael A. Dahilig's Petition to Modify or Revoke Applicant Coco Palms Hui, LLC's Permits and Issue and Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Michael A. Dahilig; Notice of Meeting; Certificate of Service for Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 = *Coco Palms Hui, LLC*.
 - a. Status Report including Investigative Report.
 - b. Set Hearing Date
[Deferred 2/23/16, deferred 4/26/16, deferred 5/24/16.]

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, July 12, 2016**.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

June 28, 2016

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2016-70	Peter J. Courture Trust	5-5-010:063	Hanalei	Elevator Addition
SSD-2016-71	County of Kauai – Dept. of Public Works	1-3-003:999 & 1-3-008-999	Kekaha	Sidewalk Installation
SSD-2016-72	Kamal Salibi	3-2-003:009	Niumalu	Fence, Driveway, Walkways and Two Septic Tanks
SSD-2016-73	Kauikeolani LLC	5-5-001-020 & 021	Hanalei	Fence
SSD-2016-74	State of Hawaii	1-6-007:036	Waimea	A/C Equipment Replacement

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Līhu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Hawai'i 96766

Tuesday, June 28, 2016, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Regular Meeting of June 14, 2016

E. RECEIPT OF ITEMS FOR THE RECORD (None)

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (None)

H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Approval
 - a. Subdivision Application No. S-2016-21
(FTH HAWAII PROPERTIES LLC)
Proposed 2-parcel Subdivision
TMK: (4) 4-3-08:04 & 4-3-09:47
Kalaheo, Kaua'i
1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (Continued)

1. Tentative Subdivision Approval (Cont'd)
 - b. Subdivision Application No. S-2016-22
(WELK RESORTS)
Proposed 2-lot subdivision
TMK: (4) 2-8-14:008 & 034
Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
2. Final Subdivision Map Approval
 - a. Subdivision Application No. S-2013-23
(Roy K. & Beverly S. Morita)
Proposed 6-lot subdivision
TMK: (4) 4-6-006:017, 019, & 020
Kapaʻa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
3. Subdivision Extension Request
 - a. Subdivision Application No. S-2015-11
(ALAN R. & SANDRA MATSUMOTO)
Proposed 2-lot Subdivision
TMK: (4) 2-4-14:027
Kalaheo, Kauaʻi
 1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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